UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN GREEN BAY DIVISION

APPLETON PAPE	RS INC. AND NCR)	
CORPORATION,)	
)	
	Plaintiffs,)	
)	
	VS.)	
)	Case No. 08-CV-00016-WCG
GEORGE A. WHIT	ING PAPER COM	PANY,)	
et al.,)	
)	
	Defendants.)	
)	
)	

WISCONSIN PUBLIC SERVICE CORPORATION'S MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS COUNTS I AND III OF PLAINTIFFS' THIRD AMENDED COMPLAINT

Defendant Wisconsin Public Service Corporation ("WPSC") has moved to dismiss Counts I and III of Plaintiffs' Third Amended Complaint (the "Complaint"). WPSC's motion is based on the same arguments fully and clearly articulated by defendant Menasha Corporation ("Menasha") in its Memorandum in Support of its Motion to Dismiss, dated March 24, 2008 (Dkt. No. 64), and its Reply in Support of its Motion to Dismiss, dated May 5, 2008 (Dkt. No. 121). Accordingly, in support of its motion to dismiss, WPSC adopts and incorporates herein the arguments set forth by Menasha in those papers.

For the reasons set forth in its motion and in this supporting memorandum, including the arguments set forth by defendant Menasha Corporation in support of its motion to dismiss, defendant Wisconsin Public Service Corporation respectfully requests that the Court enter an order dismissing Counts I and III of Plaintiffs' Third Amended Complaint.

Dated: June 2, 2008 Respectfully submitted,

> WISCONSIN PUBLIC SERVICE CORPORATION

By: /s/ Sarah A. Slack

One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2008, I electronically filed the foregoing

Wisconsin Public Service Corporation's Memorandum in Support of Its Motion to Dismiss

Counts I and III of Plaintiffs' Third Amended Complaint with the Clerk of the Court using

the CM/ECF system, which sent notification of such filing to the following:

Michael L. Hermes

Evan B. Westerfield

J. Ric Gass

J. Andrew Schlickman

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